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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/814,972

03/30/2004

Chris Lee

8626

7590

08/15/2007

Chris Lee
615 North Street
Tewksbury, MA 01876

EXAMINER

CHAO, JUSTIN

ART UNIT

PAPER NUMBER

3709

MAIL DATE

DELIVERY MODE

08/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/814,972

Applicant(s)

LEE ET AL.

Examiner

Justin Chao

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on papers through 1/27/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/30/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12, 16-22 and 25 rejected under 35 U.S.C. 102(b) as being anticipated by Christian 5,178,159 that teaches the invention as claimed: an inner conductor (98 fig 7; col 6, l. 55 - col 7, l. 28), an outer conductor coaxially disposed (99 fig 7; col 6, l. 55 - col 7, l. 28; col 6, ll. 52-54) about the inner conductor, a distal end sized and shaped for insertion into a subject (116 fig 8; col 7, ll. 38-48), a proximal end sized and shaped for insertion into a connector (figs 7 and 3; col 6, l. 55 - col 7, l. 28), an outer conductor contact (102 fig 7; col 6, l. 55 - col 7, l. 28), an extended section of the inner conductor (103 fig 7; col 6, l. 55 - col 7, l. 28), an electrically conductive material disposed at least partially around the inner conductor (103 fig 7; col 6, l. 55 - col 7, l. 28), an insulated area interposed between the outer conductive contact and the inner conductive contact (fig 7 and 29), an electrically insulating material disposed at least partially around the inner conductor (fig 7), the guidewire diameter is sized for insertion into the lumen of an anatomic structure of a subject (col 7, ll. 38-48), the anatomic structure is a blood vessel (col 7, ll. 38-48), the subject is a human (col 7, ll. 38-48), the guidewire diameter is less than about 0.040 inches (col 2, ll. 56-59), the diameter is between about 0.012 inches and 0.038 inches (col 2, ll. 56-59), the diameter is about 0.014 inches (col 2, ll.

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56-59), a diameter of the inner conductor is between about 0.004 inches and about 0.012 inches (col 3, ll. 46-61), the guidewire has a stiffness sufficient for insertion into a lumen of an anatomic structure of a subject (col 7, ll. 29-48), the guidewire is biocompatible (col 7, ll. 29-48), the guidewire comprises a conductive material (col 7, ll. 12-28), the guidewire is composed of nonmagnetic materials (col 3, ll. 22-28), the guidewire is sterilizable (col 3, ll. 22-26 further noting that any material may be sterilized), the outer conductor contact and the inner conductor contact are each annular in shape (102 and 103 fig 7; col 7, ll. 12-28), the outer conductor contact and the inner conductor contact have approximately equal diameters (102 and 103 fig 7; col 7, ll. 12-28), the inner conductor contact is disposed radially about a portion of the extended section of the inner conductor (102 and 103 fig 7; col 7, ll. 12-28), the insulated area is annular in shape (fig 7; col 7, ll. 12-28), the outer conductor contact is axially distal to the inner conductor contact (102 and 103 fig 7; col 7, ll. 12-28), an extension attachment coupled to the proximal end of the guidewire (col 1, ll. 24-49; col 5, ll. 18-68).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Christian in view of Atalar 2002/0045816. Christian teaches the invention as claimed and discussed above, however does not teach the following limitation taught by Atalar: the guidewire comprises a superelastic material (para 96), the superelastic material comprises titanium (para 96), and the superelastic material comprises Nitinol (para 96). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Christian in view of Atalar in order for the superelastic material to provide "a very high degree of 'memory,'" to the imaging device as taught by Atalar (para 98).

5. Claims 23 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Christian in view of Stern 5,743,903. Christian teaches the invention as claimed and discussed above, however does not teach the following limitation taught by Stern: an identification parameter comprising at least one of a resistor value, a digital signature, or a unique serial number (col 13, l. 57 - col 14, l. 54). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Christian in view of Stern in order to "automatically [produce] an identification signal" representing attachment type and "automatically set the appropriate [settings]" for the attachment as taught by Stern (col 13, ll. 57-67).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure, see attached Notice of References Cited.

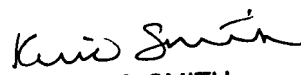
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin Chao whose telephone number is 571-270-3072. The examiner can normally be reached on Mon-Fri, alt Fri off, 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Justin Chao/
8/13/07


KIMBERLY S. SMITH
PRIMARY EXAMINER
8/14/07